



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,511	01/20/2000	Yoshinori Aoki	12819-(JA999-099)	4532

7590 11/14/2006

Leopold Presser  
SCULLY SCOTT MURPHY & PRESSER  
400 GARDEN CITY PLAZA  
GARDEN CITY, NY 11530

EXAMINER

STORK, KYLE R

ART UNIT PAPER NUMBER

2178

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/488,511

Applicant(s)

AOKI ET AL.

Examiner

Kyle R. Stork

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-10 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-20 is/are rejected.
- 7) ☒ Claim(s) 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This final office action is in response to the amendments filed 23 August 2006.
2. Claims 1-2, 4-10, and 12-22 are pending. Claims 1, 9, and 16 are independent claims. Claims 21-22 are newly added. The rejection of claims 1-2 and 4-8 under 35 USC 112 has been withdrawn as necessitated by the amendment.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-10, and 12-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Lowery et al. (US 5894554, filed 23 April 1996, hereafter Lowery) and further in view of Lemay (Microsoft® Frontpage™ 98, 1997).

Regarding independent claim 1, Lowery discloses a system for customizing a Web page by using at least one client computer on which a browser for browsing a Web page runs (see Abstract, lines 1-2, the invention creates and manages custom Web pages), said system comprising:

means for enabling said user to request an original Web page that the user intends to customized (Abstract discloses sending a generation request (line 5), which would include this limitation);

means for embedding a customizing program in said requested original web page (in col. 2, lines 25-35, dynamic generation means are embedded);

means for receiving said requested original Web page in which said program for customizing a page is embedded (col. 2, lines 25-35, dynamic generation passes page to generator); web browser means for displaying said received original Web page (Web page is displayed, which inherently requires a browser; means for having said program display a control panel for a customizing operation (col. 7, lines 45-60, tools like Visual Basic and Visual C++ or PowerBuilder allow customization);

means for customizing said original Web page according to a customizing operation by a user using said control panel while said original Web page is retained for other users(Visual Basic, Visual C++ and PowerBuilder preserved backups of original web pages); and

means for storing data pertaining to said customizing operation, wherein said web page is dynamically restored with said customizing data when subsequently accessed by said user (Visual Basic, Visual C++ and PowerBuilder fulfilled this limitation).

However, Lowery fails to disclose a user requesting an existing web page and further being able to customize the web page, the customizing operations comprising: addition of an object, change of an attribute of an object or object erasure. However, Lemay discloses a user requesting an existing web page and further being able to customize the web page, the customizing operations comprising: addition of an object, change of an attribute of an object or object erasure (page 37, Q&A, question 2: Here, a

user is able to download preexisting web pages from a website so that the user may further enhance the web pages using FrontPage™; pages 38-78: Here, customization techniques for downloaded content are disclosed; page 44: Here, the format toolbar specifies a plurality of changes that may be applied to objects of a webpage, including changing the style of text, changing the text font, and changing the size). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lowery's method with Lemay's method, since it would have allowed a user to enhance imported pages (Lemay: page 37).

Lemay further fails to specifically disclose modification of the web pages at a client computer. However, Lowery discloses modification of the web pages at a client computer (page 53: Here, Lowery teaches the user modification of pages residing on the hard drive of a client computer). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lowery with Lemay, since it would have allowed a user to incrementally modify pages without disturbing the posted web pages.

Regarding dependent claim 2, Lowery further discloses a system wherein said means for requesting a Web page is a means for requesting a page from a Web server via a server or for requesting a locally stored Web page (see fig. 4, items 200-201).

Regarding dependent claim 4, Lowery further discloses a system wherein said means for storing data on a customizing operation is a means for storing said data on a server (see fig. 4).

Regarding dependent claim 5, Lowery further discloses a system wherein said system further comprises: means for having another computer request a Web page to be customized (see fig. 4; page servers vs. web server); means for having another computer receive said requested Web page in which a program for customizing a page is embedded (see fig. 4; page servers); means for having another computer display said received Web page by a browser (page is displayed, which inherently requires a browser); means for having said program display a control panel for a customizing operation(col. 7, lines 45-60, tools like Visual Basic and Visual C++ or PowerBuilder allow customization); and means for having said program, based on data of a customizing operation already performed on said Web page, reflect a customizing operation performed on said Web page on a browser(col. 7, lines 45-60, tools like Visual Basic and Visual C++ or PowerBuilder allow customization; this is reflected as in fig. 4 from web server to page server).

Regarding dependent claim 6, Lowery further discloses a system wherein said system further comprises the means for further customizing a Web page according to a customizing operation by a user using said control panel from said another computer(see use of Web client on Fig. 4 and col. 7, lines 45-60, tools like Visual Basic and Visual C++ or PowerBuilder).

Regarding dependent claim 7, Lowery further discloses a system wherein said program is executable independent of any operating system or web browser (col. 7, lines 45-60, tools like Visual Basic and Visual C++ or PowerBuilder can be run on multiple OSes as there are multiple relevant tools and do not require a web browser).

Regarding dependent claim 8, Lowery further discloses a system wherein said system comprises a means for immediately reflecting a result of a customizing operation on a browser (see Abstract, lines 12-18, the Web pages are dynamically generated).

Regarding independent claim 9, it is a method which is performed by the system of claim 1 and is rejected under similar rationale.

Regarding dependent claim 10, it is a method which is performed by the system of claim 2 and is rejected under similar rationale.

Regarding dependent claim 12, it is a method which is performed by the system of claim 4 and is rejected under similar rationale.

Regarding dependent claim 14, it is a method which is performed by the system of claim 5 and is rejected under similar rationale.

Regarding dependent claim 15, it is a method which is performed by the system of claim 6 and is rejected under similar rationale.

Regarding dependent claim 16, it is a medium that contains a method that is performed by the system of claim 7 and is rejected under similar rationale.

Regarding dependent claim 17, Lowery discloses a system wherein said customizing operation via said control panel includes one or more of adding an object, changing an attribute of an object or deleting an object (customizing must logically involve changing an object in some way and these are all the ways in which an object can change).

Regarding dependent claim 18, Lowery further discloses a system wherein said customizing operation is performed without changing an existing web server providing said original Web page or said web browser (the customization operation occurs at the Web client, number 200, part of fig. 4, and hence does not affect the Web server directly).

Regarding dependent claim 19, it is a method that is performed by the system of claim 17 and is rejected under similar rationale.

Regarding dependent claim 20, it is a medium that contains a method that is performed by the system of claim 7 and is rejected under similar rationale.

### ***Allowable Subject Matter***

5. Claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

6. Applicant's arguments filed 23 August 2006 have been fully considered but they are not persuasive.

The applicant argues that Lowery fails to disclose the amended claim limitations (page 11). The examiner agrees with the applicant on this point. The applicant further argues that Lemay fails to teach the customization options comprising addition of an



object, change of an attribute of an object, or object erasure (page 12). However, the examiner respectfully disagrees with this assessment. Lemay teaches a format toolbar that discloses a plurality of customization options used to change attributes of an object (page 44). The applicant further argues that Lemay is a tool, "that is no way intended to function with the Web page it is used to create (page 12)." Again, the examiner respectfully disagrees. Lemay specifically discusses using the FrontPage tool to allow a user to edit and update web page content on a Website (page 37, section "Q & A," first answer).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyle R Stork  
Patent Examiner  
Art Unit 2178



**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**

krS